

Appl. No. 10/656,572
Amdt. dated July 8, 2004
Reply to Office action of March 9, 2004

REMARKS/ARGUMENTS

Applicant thanks the Examiner for his careful reading of the application and art. The Model 77 literature relied upon by the Examiner in rejecting several of the claims is not prior art. It represents a device produced by applicant's assignee, as set out at paragraph [0030] of the application, and was included for clarification of how the device of the present invention could be used with other hydrants. Applicant's undersigned attorney apologizes for any confusion caused by inclusion of this literature in the Information Disclosure Statement.

Claims 1-6, 8-9, 13-14 and 20-21 have been rejected as anticipated by (35 USC 102(b)) or obvious over (35 USC 103(a)) McCarty.

McCarty relates to a self-contained automatic flushing device intended to be installed as a unit to an underground water system. The present invention relates to a far simpler device designed to be attached to an existing hydrant in order to flush the system.

Applicant has rewritten the claims to emphasize this difference.

Claim 1 has been amended to recite that the box is "adapted to be installed to an outlet of an existing above-ground hydrant with the device being substantially external of the hydrant and the hydrant being substantially external of the device," and to recite

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that the device includes "an inlet allowing water from the hydrant to pass into the box." This is entirely different from the McCarty construction in which all parts of the device except the outlet are contained within the box. Nothing in McCarty suggests this construction.

Claims 2-6 and 8-9 are dependent on claim 1 and should be allowable with it. These claims also include limitations which, in the claimed combination, are neither shown nor suggested by the prior art.

Claims 10 and 11 have been rewritten in independent form, adding the words "adapted to be" before "installed externally of an existing hydrant" in order to make clear that the hydrant is not a part of these claims; omitting the limitation that the box is lockable; and changing the word "nipple" to "coupling". These claims were rejected only over applicant's own literature describing the present invention and are therefore believed to be allowable. The noted changes are believed not to affect patentability.

Claims 7 and 12 are dependent on claim 11 and should be allowable with it. These claims also include limitations which, in the claimed combination, are neither shown nor suggested by the prior art.

Claim 13 is a method claim. As amended, it calls for, "A method of automatically flushing a portion of a water distribution system, the system including a pre-existing hydrant, the hydrant having a below-ground inlet connected to the water distribution

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system, an above-ground threaded outlet, and a manually operable valve between the inlet and the outlet, the method comprising bringing a portable, self-contained device to the hydrant, and installing the device to the threaded outlet of the hydrant...." Nothing in the prior art suggests such a method. The McCarty device could not be used in the manner set out in the claim, and nothing in McCarty suggests the method as claimed.

Claims 14-21 are dependent on claim 13 and should be allowable with it. These claims also include limitations which, in the claimed combination, are neither shown nor suggested by the prior art.

New claims 22-30 are likewise believed to define an invention which is neither shown nor suggested by McCarty or by any of the other prior art, taken alone or in combination.

It is believed that the application is now in condition for allowance, and it is respectfully requested that a notice of allowance be issued. Should the Examiner have

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questions or suggestions, he is urged to call applicant's undersigned attorney at 314-238-2400 (extension 426) or directly at 314-238-2426.

Respectfully submitted,



J. Philip Polster, Reg. No. 24,739
POLSTER, LIEDER, WOODRUFF & LUCCHESI, L.C.
12412 Powerscourt Drive, Suite 200
St. Louis, MO 63131-3615
Telephone: (314) 238-2400
Facsimile: (314) 238-2401